

State of California
Business, Consumer Services and Housing Agency
California Department of Housing and Community Development
DUTY STATEMENT

Division: Legal Affairs Division
Unit: Multiple Units
Position Number: 401-104-5778-XXX (PS 1049)
Classification: Attorney
Working Title: Attorney I
Location: Sacramento, Headquarters
Incumbent: Vacant
Effective Date: TBD

Department Statement: You are a valued member of the Department's team. You are expected to work cooperatively with team members and others to enable the Department to provide the highest level of service possible. Your creativity and ingenuity are encouraged. Your efforts to maintain regular attendance and treat others fairly, honestly, and with respect are critical to the success of the Department's mission.

Job Summary: Under supervision of the Assistant Chief Counsel and Deputy General Counsel for the Legal Affairs Division, and in coordination with and with guidance from lead attorney(s), the attorney in this position will serve the Division of Codes and Standards (DCS) and assist with conflict of interest and personnel activities. This position requires independence and skills in legal and legislative history research, administrative law, landlord-tenant law, housing law and civil litigation. The incumbent will also work on DCS regulation packages and will directly represent the Department at formal and informal hearings and depositions regarding, among other things, enforcement of several laws including, without limitation, Federal and State Constitutions and statutes, Consumer Civil Warranty Protection, the Mobilehome Parks Act, Manufactured Housing Act, and State Housing Law.

% of Time Essential Functions:

30%	Provide legal counsel, advice and recommendations to DCS staff on a wide variety of legal issues and law including the federal Manufactured Housing and Construction and Safety Standards Act of 1974 and the following state laws: Mobilehome Parks Act (MPA), Manufactured Housing Act (MHA), Employee Housing Law (EHL), State Housing Law (SHL) California Consumer Civil Warranty Protection (CCW), and landlord-tenant law, as well as other federal and state constitutions, statutes, regulations and case law including, but not limited to, California Building Standards Code, Fire Code, Mechanical Code and Electrical Code. Research and prepare memoranda, executive orders, letters and other communications to address DCS and Department needs.
-----	---

25%	Research, draft, and provide formal and informal oral and written legal advice. Interpret laws and regulations. Study, interpret, and apply laws, legislative history, judicial precedent and other legal authorities in connection with legal issues that arise within DCS, including, without limitation, issues in connection with subpoenas, court documents, and contracts, among other matters. Provide in-depth legal and legislative research and analysis, sometimes working at the State Archives, on various subject matters. Provide staff support for updating internal office procedures regarding various matters, such as service of subpoenas, summons and complaints, and issuance of violation notices to the public. Revamp and review for legal sufficiency forms used by DCS and method of filing, etc.
15%	Review documents requested by the public through Public Records Act (PRA) requests and determine if documents require redaction or withholding based on the principles outlined in the PRA. Consult with program staff, when necessary, to ensure all documents have been provided and to ascertain whether PRA exemptions apply.
10%	Assist in the development, review and preparation of department regulations and policy ensuring compliance with the Administrative Procedure Act and the California Building Standards Codes; ensures that all proposed regulations meet all statutory and regulatory requirements, both procedural and substantive, for successful promulgation of regulations pursuant to the Administrative Procedure Act and California Building Standards law. Provide legal services, as appropriate, and interact with staff and the public in addressing consumer complaints and various enforcement issues.
5%	Represent the Department in informal and formal hearings and provide legal assistance on appeals of Department citations for violation of various laws including, without limitation, the MPA, FBH, and SHL. Prepare Department staff and documents for presentation of cases before hearing officers.
5%	Provide litigation support to the Office of the Attorney General in cases filed against the Department. Prepare Department staff and documents for testimony and evidentiary matters in connection with such litigation.
5%	Research legislative history, perform preliminary analyses of legislation; provide comments to the Legislative Division, draft amendments to legislation and assist in a legal capacity as needed.
% of Time	Marginal Functions:
5%	Other work as needed or required.

Special Requirements: (Define all that apply)

Supervision Exercised: None

Conflict of Interest (COI): Form 700 reporting required

Background Check: None

Live Scan: None

Bilingual, specify language: None

License/Certification: Require active membership in The California State Bar.

Medical Clearance: None

Other, please specify: None

Physical Requirements: The position requires the ability to sit, stand, read, communicate and work on a computer for extended periods of time.

Working Conditions: The incumbent works in an office setting. Air conditioned, high-rise building with elevator access, cubicle or office with natural and artificial lighting.

Administrative Responsibility: To be determined, as needed.

Personal Contacts: The incumbent will interact on an ongoing basis with program staff, supervisors, managers and deputy directors of the DCS, as well as members of the public who transact business with DCS. The incumbent will interact with counsel representing other parties interested in the adoption of California's Building Codes. In addition, the incumbent will be responsible for advising the Department in complicated and sensitive matters related to the highly technical and frequently politically sensitive adoption of California's various building codes

Consequence of Error: If the various duties described above are not handled competently and professionally, the enforcement of the MPA, MHA, FBH, and SHL, the adoption of California's building codes may not adequately protect the health, safety and general welfare of California's residents and/or the adoption of these codes will fail to withstand legal challenges to the decisions made by the Department. The incumbent in this position is expected to be able to determine the critical issues to be addressed (with general supervision) and address them competently. In addition, the incumbent must be able to work cooperatively and effectively with program staff, the public, and outside counsel.

Equal Employment Opportunity: All HCD employees are expected to conduct themselves in a professional manner that demonstrates respect for all employees and others they come in contact with during work hours, during work-related activities, and anytime they represent the Department. Additionally, all HCD employees are responsible for promoting a safe and secure work environment, free from discrimination, harassment, inappropriate conduct, or retaliation.

I have read and understand the duties and requirements listed above and am able to perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation may be necessary, or if unsure of a need for reasonable accommodation, inform

the hiring supervisor.)

Employee Name: _____

Date: _____

Employee Signature: _____

I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties and have provided a copy of this duty statement to the employee named above.

Supervisor Name: _____

Date: _____

Supervisor Signature: _____

*Please return the signed original duty statement to the Human Resources Branch to be filed in the Official Personnel File.